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FISCAL IMPACT STATEMENT

LS 6901

BILL NUMBER: HB 1122

NOTE PREPARED: Jan 25, 2008

BILL AMENDED: Jan 24, 2008

SUBJECT: Juvenile Offenders and Detention Facilities.

FIRST AUTHOR: Rep. Reske

FIRST SPONSOR:

BILL STATUS: 2nd Reading - 1st House

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: No Fiscal Impact

Summary of Legislation: (Amended) This bill provides that the juvenile law does not apply to a child who: (1) is alleged to have committed a crime that would be a felony if committed by an adult; and (2) has previously been waived to a court having felony jurisdiction. (Under current law, the juvenile law does not apply to felonies and misdemeanors committed under these circumstances.)

The bill also provides that juvenile law applies to a child who allegedly committed a violation of traffic law. It provides that a juvenile court does not have jurisdiction over an alleged violation of a child charged with carrying a handgun without a license or dangerous possession of a firearm as a felony (rather than a felony or misdemeanor), or if the child has a prior unrelated conviction or adjudication.

This bill provides that a juvenile court may waive jurisdiction if a child is charged with certain acts that are felonies (rather than felonies and misdemeanors).

The bill also provides that any facility that is used or has been used to house or hold juveniles shall give the Indiana Criminal Justice Institute (ICJI) access to inspect and monitor the facility.

Effective Date: July 1, 2008.

Explanation of State Expenditures: (Revised) The legislation changes the current law to grant juvenile court jurisdiction for children that commit a misdemeanor traffic violation and are at least 16 years of age. The legislation also provides that juvenile courts would not have jurisdiction of children charged with violations of IC 35-47-2-1 (carrying a handgun without a license) or IC 35-47-10 (children and firearms) if (1) the offense is a felony charge, (2) the individual has a prior, unrelated conviction, or (3) the individual has an unrelated adjudication as a juvenile delinquent under the two offenses mentioned.

Currently, juvenile law does not apply to (1) individuals with misdemeanor traffic offenses who are at least 16 years of age, (2) all offenses involving carrying a handgun without a license, and (3) children and firearms. This legislation shifts caseload from the adult criminal court to the juvenile court by providing new jurisdictions for the offenses mentioned. The bill will in effect decrease the caseload of the adult criminal court and increase the caseload of the juvenile court, resulting in a tradeoff of workload. This tradeoff will have no effect on state expenditures related to court caseload.

Background Information: The penalty classification for carrying a handgun without a license under IC 35-47-2-23 is a Class A misdemeanor. It is a Class C felony if the individual commits the offense on school property, within 1,000 feet of school property, on a school bus, or the person has a prior conviction of a similar nature, or has been convicted of a felony within the past 15 years of the offense. The penalty classification for a child's dangerous possession of a firearm is a Class A misdemeanor. It is a Class C felony if a child has a similar prior conviction.

Explanation of State Revenues: The Juvenile Justice and Delinquency Prevention Act of 2002 provides federal Title II and IIe block grant funds for programs that provide for an adequate system of monitoring jails, detention facilities, and non-secure facilities to ensure the core requirements of the Act are upheld. Currently, the Youth Division of the ICJI has been responsible for assessing the compliance levels of state programs that receive grant dollars. If entities cannot demonstrate compliance with the core requirements defined in federal guidelines, the formula grant allotment is reduced by 20% for each core requirement not met. This legislation provides authority that is necessary so that detention facilities that house juvenile offenders cannot deny ICJI administrators from assessing the facilities in compliance with the Act which can affect funding levels from the federal government.

Revenue collected from court fees is not expected to change as a result of transferring caseload from the adult criminal court to juvenile court.

Explanation of Local Expenditures: Under current law, juveniles convicted of misdemeanors are housed in juvenile correction facilities operated at the county level. Juveniles convicted of felonies are housed in DOC in facilities located on the premises of adult facilities, but segregated to meet federal requirements that adult and juvenile offenders not co-mingle.

Currently, when a juvenile is arrested or detained by authorities (irrespective of the offense), there is a hearing where the prosecuting attorney decides if the juvenile offender will be waived to adult court or juvenile court. A juvenile will only be sent to an adult correctional facility if convicted of an offense in adult court. In all other instances, the individual is tried before the juvenile court system and sent to either a juvenile detention facility, a DOC juvenile correction facility, or placed on probation. This decision is largely left to the discretion of the juvenile court judge.

The provisions of this bill will not change the structure of sentencing guidelines or the assignment of juvenile offenders to certain correctional facilities. There is no change in state or local expenditures to house offenders as a result of this bill.

Explanation of Local Revenues: Under the Juvenile Justice and Delinquency Prevention Act of 2002, local jurisdictions out of compliance with any of the first three core requirements, as determined by site visits, self-reported data, and on-site verification of self-reported data are ineligible to receive Title II Formula and Title IIe Challenge Grant Funds, as well as Title V funds.

State Agencies Affected: Department of Correction, Indiana Criminal Justice Institute.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs' Association; Tim Brown, DOC; Indiana Criminal Justice Institute.

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